

Senate Bill 217

By: Senators Butler of the 55th, Reed of the 35th, Buckner of the 44th, Seay of the 34th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

To establish the "Brittany Sharnay Wells Act"; to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to provide for a curriculum relating to dating violence; to require the adoption of a policy against dating violence; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Brittany Sharnay Wells Act."

SECTION 2.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by revising Code Section 20-2-143, relating to sex education and AIDS prevention instruction, implementation, and student exemption, as follows:

"20-2-143.

(a) Each local board of education shall prescribe a course of study in sex education and AIDS prevention instruction for such grades and grade levels in the public school system as shall be determined by the State Board of Education. Such course of study shall implement either the minimum course of study provided for in subsection (b) of this Code section or its equivalent, as approved by the State Board of Education. Each local board of education shall be authorized to supplement and develop the exact approach of content areas of such minimum course of study with such specific curriculum standards as it may deem appropriate. Such standards shall include instruction relating to the handling of peer pressure, the promotion of high self-esteem, local community values, the legal consequences of parenthood, and abstinence from sexual activity as an effective method

of prevention of pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome.

(b) The State Board of Education shall prescribe a minimum course of study in sex education and AIDS prevention instruction which may be included as a part of a course of study in comprehensive health education for such grades and grade levels in the public school system as shall be determined by the state board and shall establish standards for its administration. The course may include instruction concerning human biology, conception, pregnancy, birth, sexually transmitted diseases, and acquired immune deficiency syndrome. The course shall include instruction concerning the legal consequences of parenthood, including, without being limited to, the legal obligation of both parents to support a child and legal penalties or restrictions upon failure to support a child, including, without being limited to, the possible suspension or revocation of a parent's driver's license and occupational or professional licenses. A manual setting out the details of such course of study shall be prepared by or approved by the State School Superintendent in cooperation with the Department of Human Resources, the State Board of Education, and such expert advisers as they may choose.

(b.1)(1) As used in this subsection, the term 'dating violence' means a pattern of behavior where one person threatens to use, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

(2) The curriculum for the sex education course of study required by this Code section shall incorporate age-appropriate dating violence education for students in grades eight through 12. Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and understanding characteristics of healthy relationships. The State Board of Education shall review and approve the grade level topics and curriculum relating to dating violence.

~~(c) The minimum course of study to be prescribed by the State Board of Education pursuant to subsection (b) of this Code section shall be ready for implementation not later than July 1, 1988. Each local board shall implement either such minimum course of study or its equivalent not later than July 1, 1989. Any local board of education which fails to comply with this subsection~~ Code section shall not be eligible to receive any state funding under this article until such minimum course of study or its equivalent has been implemented.

(d) Any parent or legal guardian of a child to whom the course of study set forth in this Code section is to be taught shall have the right to elect, in writing, that such child not receive such course of study."

SECTION 3.

Said article is further amended by revising Code Section 20-2-314, relating to the development of rape prevention, personal safety education, and teen dating violence prevention programs, as follows:

"20-2-314.

(a) The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the core curriculum provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia.

(b)(1) As used in this subsection, the term:

(A) 'At-school' means in a classroom or school building, on or immediately adjacent to school premises, on a school bus or other school related vehicle, at an official school bus stop, or at any school sponsored activity, field trip, sporting event, function, or event, whether or not on school grounds.

(B) 'Dating partner' means any person, regardless of gender, involved in an intimate relationship with another, which relationship is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

(C) 'Dating violence' means a pattern of behavior where one person threatens to use, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

(2) Each local board of education shall establish a specific policy to address incidents of dating violence involving students in grades 6 through 12. Such policy shall include, but not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at-school incidents of dating violence, and discipline procedures specific to such incidents. To ensure notice of the local board of education's dating violence policy, the policy shall be published in any policy handbook that sets forth the comprehensive rules, procedures, and student standards of conduct. The State Board of Education shall establish a comprehensive model dating violence policy to assist local boards of education in developing such policies. The model policy shall be issued on or before January 1, 2010. All local boards of education shall adopt a dating violence policy by July 1, 2010. Any local board of education which

96 fails to comply with this subsection shall not be eligible to receive any state funding until
97 a dating violence policy as required by this subsection has been adopted."

98 **SECTION 4.**

99 This Act shall become effective upon its approval by the Governor or upon its becoming law
100 without such approval.

101 **SECTION 5.**

102 All laws and parts of laws in conflict with this Act are repealed.